

National Guard or inactive Air National Guard is not entitled to pay under section 301 of title 37.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

#### EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-649 effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

#### CROSS REFERENCES

Persons enlisted in inactive National Guard not entitled to pay, see section 206 of Title 37, Pay and Allowances of Uniformed Services.

Transfer of enlisted members from Army National Guard of United States and Air National Guard of United States to Army Reserve and Air Force Reserve, see section 12105 of Title 10, Armed Forces.

### § 304. Enlistment oath

Each person enlisting in the National Guard shall sign an enlistment contract and subscribe to the following oath:

“I do hereby acknowledge to have voluntarily enlisted this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_, in the \_\_\_\_\_ National Guard of the State of \_\_\_\_\_ for a period of \_\_\_\_ year(s) under the conditions prescribed by law, unless sooner discharged by proper authority.

“I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and of the State of \_\_\_\_\_ against all enemies, foreign and domestic; that I will bear true faith and allegiance to them; and that I will obey the orders of the President of the United States and the Governor of \_\_\_\_\_ and the orders of the officers appointed over me, according to law and regulations. So help me God.”

The oath may be taken before any officer of the National Guard of the State or Territory, or of Puerto Rico, or the District of Columbia, as the case may be, or before any other person authorized by the law of the jurisdiction concerned to administer oaths of enlistment in the National Guard.

(Aug. 10, 1956, ch. 1041, 70A Stat. 602; Oct. 5, 1962, Pub. L. 87-751, § 2, 76 Stat. 748; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, § 1234(b)(1), 102 Stat. 2059.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
304 .....	32:123.	June 3, 1916, ch. 134, § 70; restated June 4, 1920, ch. 227, subch. I, § 38; restated June 15, 1933, ch. 87, § 8, 48 Stat. 156; June 19, 1935, ch. 277, § 3, 49 Stat. 391; July 9, 1952, ch. 608, § 806(b), 66 Stat. 506.

The words “or affirmation” are omitted as covered by the definition of the word “oath” in section 1 of title 1. The words “Each person” are substituted for the word “Men”. The words “\_\_\_\_\_ National Guard” are substituted for the words “National Guard (Air National Guard)”.

#### AMENDMENTS

1988—Pub. L. 100-456 struck out “the Canal Zone,” after “Puerto Rico.”

1962—Pub. L. 87-751 substituted “support and defend the Constitution of the United States and of the State of \_\_\_\_\_ against all enemies, foreign and domestic; that I will bear true faith and allegiance to them” for “bear true faith and allegiance to the United States of America and to the State of \_\_\_\_\_: That I will serve them honestly and faithfully against all their enemies whomsoever” and inserted “So help me God.”

#### EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-751 not to effect any oath taken before one year after Oct. 5, 1962, see section 3 of Pub. L. 87-751, set out as a note under section 502 of Title 10, Armed Forces.

#### CROSS REFERENCES

General military law provision, see section 502 of Title 10, Armed Forces.

Subscription to oath necessary for enlistment as member of Army National Guard of United States and Air National Guard of United States, see section 12107 of Title 10.

#### SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 10 section 12107.

### § 305. Federal recognition of commissioned officers: persons eligible

(a) The following categories are eligible for Federal recognition as commissioned officers of the National Guard:

- (1) Members of the National Guard.
- (2) Members of the Army, Navy, Air Force, or Marine Corps.
- (3) Former officers of the Army, Navy, Air Force, or Marine Corps.
- (4) Former enlisted members of the Army, Navy, Air Force, or Marine Corps who were discharged honorably or under honorable conditions.
- (5) Graduates of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy.
- (6) Graduates of a school, college, university, or officer's training camp who received military instruction under the supervision of a commissioned officer of the Regular Army or the Regular Air Force, and whose fitness for appointment has been certified by that officer.
- (7) Civilians who are specially qualified for duty in a technical or staff branch or organization.

(b) To be eligible for Federal recognition under this section with a view to serving as a nurse, a person must be a graduate of a hospital or university training school and a registered nurse.

(Aug. 10, 1956, ch. 1041, 70A Stat. 602; Sept. 2, 1958, Pub. L. 85-861, § 2(5), 72 Stat. 1543; Nov. 8, 1967, Pub. L. 90-130, § 2(1), 81 Stat. 383.)

#### HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
305 .....	32:111 (less 37th through 54th words).	June 3, 1916, ch. 134, § 74 (less 39th through 56th words); restated June 4, 1920, ch. 227, subch. I, § 41 (less 39th through 56th words), 41 Stat. 781.